

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREEDOM MORTGAGE CORP.,

Plaintiff,
-against-

DANIEL WEISBLUM, SARA BETH
ROMANOFF, and DISCOVER BANK,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**
19-cv-2033 (DRH)(AKT)

Presently before the Court is the Report and Recommendation of Magistrate Judge A. Kathleen Tomlinson, dated August 19, 2020 recommending that the Court grant in part and deny in part plaintiff's motion for a default judgment of foreclosure and sale against defendants Daniel Weisblum, Sara Beth Romanoff, and Discover Bank. In particular, Judge Tomlinson recommends that:

1. Default judgment be GRANTED against the Defendants but that entry of the judgment be deferred pending compliance by Plaintiff's counsel with the directives set forth below.
2. Plaintiff be awarded damages in the amount of \$439,235.53 against Defendant Weisblum, reflecting the Principal balance, interest, late fees, taxes, insurance and inspections.
3. Plaintiff be awarded costs in the sum of \$1,568.38 against Defendant Weisblum at this time, but that the balance of costs sought be DENIED, without prejudice, and with the right to renew within 30 days by presentation of the underlying documentation supporting those costs.
4. Plaintiff's application for attorneys' fees be DENIED, without prejudice, and with the right to renew within 30 days if Plaintiff is able to provide contemporaneous billing records and the affidavit or declaration cited above setting forth the professional qualifications and experience of the attorneys and/or paralegals who have worked on this case.

Judge Tomlinson further recommends that, at the appropriate time, the Property be foreclosed and sold after judgment is entered, with the proceeds to be applied to the amount owed on the Note, and that a Referee be appointed to sell the mortgaged premises. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result, except for a slight modification to the amount of damages. By this Court's calculation, the total amount of damages is \$446,699.44 against Defendant Weisblum.¹ Therefore, the Court adopts the August 19, 2020 Report and Recommendation of Judge Tomlinson as if set forth herein, modifying the amount of damages against Defendant Weisblum to \$446,699.44.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a default judgement and judgment of foreclosure and sale against defendants Daniel Weisblum, Sara Beth Romanoff, and Discover Bank is granted in part and denied in part as follows:

1. Default judgment is GRANTED against the Defendants, but entry of the judgment is deferred pending compliance by Plaintiff's counsel with the directives set forth below.
2. Plaintiff is awarded damages in the amount of \$446,699.44 against Defendant Weisblum, reflecting the Principal balance, interest, late fees, taxes, insurance and inspections.
3. Plaintiff is awarded costs in the sum of \$1,568.38 against Defendant Weisblum at this time, but the balance of costs sought is DENIED, without prejudice, and with the right to renew within 30 days by presentation of the underlying documentation supporting those costs.

¹ This calculation is based on \$398,296.50 for the principal balance, \$25,001.00 for the accrued interest, \$636.80 for the late fee, \$3,172 for the hazard insurance, \$14,909.96 for the property taxes, \$4,403.18 for the primary mortgage insurance, and \$280 for the property inspection.

4. Plaintiff's application for attorneys' fees is DENIED, without prejudice, and with the right to renew within 30 days if Plaintiff is able to provide contemporaneous billing records and the affidavit or declaration cited above setting forth the professional qualifications and experience of the attorneys and/or paralegals who have worked on this case.

Judgment will be entered at the appropriate time and the Property will be foreclosed and sold, with the proceeds to be applied to the amount owed on the Note.

Dated: Central Islip, New York
October 2, 2020

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge